

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 ROBERT J. WALSH,

5 Plaintiff,

6 v.

7 NATIONSTAR MORTGAGE, LLC,

8 Defendant.
9
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Case No. 2:14-CV-00730-APG-PAL

ORDER

(DKT. #10)

11 Plaintiff Robert J. Walsh filed this lawsuit alleging defendant Nationstar Mortgage, LLC
12 violated the Fair Debt Collections Practices Act, the Fair Credit Reporting Act, and Nevada's Fair
13 Debt Collections Practices Act by reporting to credit agencies that Walsh's account payments
14 were late and by not correcting that information when Walsh disputed its accuracy. Nationstar
15 moves for summary judgment, arguing Walsh has not prosecuted this case, has not provided a
16 computation of damages, and has produced no evidence in discovery. Nationstar also argues it is
17 not a debt collector and Walsh's two Fair Debt Collections Practices Act claims therefore fail.
18 Finally, Nationstar contends Walsh has no evidence showing any error on his credit report or that
19 Nationstar received notice he disputed any error on his report and therefore his Fair Credit
20 Reporting Act claim fails. Walsh did not respond to Nationstar's motion.

21 Summary judgment is appropriate if the pleadings, depositions, answers to interrogatories
22 and admissions, and affidavits demonstrate "there is no genuine dispute as to any material fact
23 and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a), (c). A fact is
24 material if it "might affect the outcome of the suit under the governing law." *Anderson v. Liberty*
25 *Lobby, Inc.*, 477 U.S. 242, 248 (1986). An issue is genuine if "the evidence is such that a
26 reasonable jury could return a verdict for the nonmoving party." *Id.*
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28

1 The party seeking summary judgment bears the initial burden of informing the court of the
2 basis for its motion, and identifying those portions of the record that demonstrate the absence of a
3 genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). The burden
4 then shifts to the non-moving party to go beyond the pleadings and set forth specific facts
5 demonstrating there is a genuine issue of material fact for trial. *Fairbank v. Wunderman Cato*
6 *Johnson*, 212 F.3d 528, 531 (9th Cir. 2000). I view the evidence and reasonable inferences in the
7 light most favorable to the non-moving party. *James River Ins. Co. v. Hebert Schenk, P.C.*, 523
8 F.3d 915, 920 (9th Cir. 2008).

9 Nationstar asserts no genuine issue of fact remains that it is not a debt collector within the
10 meaning of either the federal statute or the Nevada Fair Debt Collection Practices Act. *See* 15
11 U.S.C. § 1692a(6); Nev. Rev. Stat. § 649.020. Walsh has not presented any evidence raising an
12 issue of fact to contest that. I therefore grant Nationstar's motion as to these two claims.

13 As to the Fair Credit Reporting Act claim, Nationstar argues Walsh will not be able to
14 present any evidence that there was incorrect information on his credit report or that that a credit
15 reporting agency notified Nationstar of a dispute. *See* 15 U.S.C. 1681s-2. Walsh has not
16 presented any evidence that Nationstar reported inaccurate information or that it failed to correct
17 that information upon being informed of an inaccuracy. I therefore grant Nationstar's motion as
18 to this claim.

19 IT IS THEREFORE ORDERED that defendant Nationstar Mortgage, LLC's motion for
20 summary judgment (Dkt. #10) is GRANTED.

21 IT IS FURTHER ORDERED that judgment is entered in favor of defendant Nationstar
22 Mortgage, LLC and against plaintiff Robert J. Walsh.

23 DATED this 13th day of April, 2015.

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25 
26 ANDREW P. GORDON
27 UNITED STATES DISTRICT JUDGE
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